

Exhibit 1

1 MDL NO. 1456

2 Civil Action #01-12257-PBS

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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF MASSACHUSETTS

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9

10 IN RE: PHARMACEUTICAL,
INDUSTRY AVERAGE WHOLESALE
11 PRICE LITIGATION.

12 THIS RELATES TO STATE OF NEVADA
V. ABBOTT LABORATORIES,
13 Et al, Case No. CV02-00260
(Nevada I) and STATE OF NEVADA V.
14 AMERICAN HOME PRODUCTS, et al.,
Case No. 02-CV-12086-PBS
15 (Nevada II)

16 _____/

17

DEPOSITION OF

18

VICKI LANGDON

19

December 21, 2005

20

Carson City, Nevada

21

22

23

SUNSHINE REPORTING SERVICES

24

(775) 883-7950 or (775) 323-3411

REPORTED BY: GAIL R. WILLSEY CA CSR 9748; NV CSR 359

25

COMPUTER-ASSISTED TRANSCRIPTION BY: caseCATalyst 4

1 Day.

2 MS. BUSH: This is Lauren Bush at Sunshine,
3 Mass and Rosenthal on behalf Sicor, S-I-C-O-R.

4 MR. DAMIANO: This is Brian Damiano from
5 Kelley Drye & Warren, LLP in New York, representing
6 Dey, D-E-Y.

7 MR. LITOW: Anybody else?

8 BY MR. LITOW:

9 Q Miss Langdon, my name is Jason Litow. I'm
10 from the law firm of Covington & Burling in Washington
11 D.C. along with my colleague here Shankar Duraiswamy.
12 We represent the pharmaceutical company which is one
13 of the defendants in these actions.

14 Could you please state and spell your name
15 for the record?

16 A My name is Vickie Langdon, V-I-C-K-I-E,
17 L-A-N-G-D-O-N.

18 Q And what's your current business address?

19 A It's 1100 East Williams Street, Carson City,
20 Nevada.

21 Q Have you ever been deposed before?

22 A No.

23 Q Well, let me explain the process somewhat.

24 I will ask the questions. You, as the
25 deponent, will respond. You need to respond verbally

1 name right offhand.

2 We just basically put in the physician's
3 order for each of the specific inmates, sent them
4 forward to the pharmacy, and they would give us the
5 medications to administer.

6 Q Does the name Ted Damico mean anything?

7 A Yes. He was the Medical Director for the
8 department.

9 Q Would he have knowledge about purchasing of
10 prescription drugs by the Department of Corrections?

11 MS. BRECKENRIDGE: Objection. You can
12 answer if you know.

13 THE WITNESS: I have no idea.

14 BY MR. LITOW:

15 Q And then I believe you came to work for
16 Nevada Medicaid in '04; is that correct?

17 A Yes, December of '04.

18 Q And what position did you come in at?

19 A The one I currently occupy which is a Social
20 Services Program Specialist II, and I work with the
21 pharmacy program.

22 Q What are your job responsibilities as a
23 Social Services Program Specialist?

24 A Basically, the policy that we have for Nevada
25 Medicaid's Pharmacy program was already written when I

1 came in. So I need to ensure that we stay current
2 with local statutes, state statutes, federal statutes,
3 that we run a similar program or parallel program as
4 directed by CMS, the Centers for Medicare and Medicaid
5 Services.

6 Then I also participate in our pharmacy -- I
7 attend Pharmacy and Therapeutics Committee meetings.
8 They're the body responsible for reviewing drug
9 classes and providing a Preferred Drug List for Nevada
10 Medicaid. I also attend drug utilization review board
11 meetings which ensures basically proper usage of
12 medications and not overuse of medications, what have
13 you.

14 Since I was so new when legislature was in, I
15 was not able to provide any information at the time
16 the legislature was in. So in the future, I will
17 probably do some research for legislators in the next
18 session which will be 2007 I guess, but I did not have
19 the opportunity to do that since I was so new.

20 Q Anything else?

21 A Meeting with our vendor, First Health
22 Services, to ensure that the pharmacy, it's called
23 Point Of Sale Program adjudicates properly as outlined
24 by our policy.

25 Q The first responsibility you listed was to

1 Pharmacy something or another. I can't remember,
2 another one of those acronyms.

3 Q At this time, I'm going to ask the court
4 reporter to mark as Exhibit 1 an e-mail from Chuck
5 Duarte to everyone which is dated November 30, 2005.

6 (Exhibit 1 was marked.)

7 BY MR. LITOW:

8 Q Just take a moment and review this document.

9 Have you seen this document before?

10 A Yes.

11 Q Is this the document that you mentioned that
12 you looked at in the meeting with Miss Breckenridge
13 yesterday?

14 A Yes.

15 Q And did you receive it on November 30th as
16 it's dated?

17 A I probably did. I get about 150 e-mails a
18 day.

19 Q Had you ever received an e-mail like this
20 before relating to this case?

21 A I honestly don't remember. I may have.

22 Q Just directing your attention to the first
23 sentence of the first paragraph where it says, "As
24 many of you are aware, the State of Nevada is involved
25 in litigation entitled State of Nevada v. American

1 Home Products Corp et al, this lawsuit is also known
2 as the Average Wholesale Price Litigation or "AWP
3 Litigation."

4 Do you see that?

5 A Yes.

6 Q When did you first become aware of this
7 action?

8 A I'm not sure exactly if it was pertaining to
9 this action or not but Colleen Lawrence asked me to
10 pull a file an old file entitled "AWP" and bring it to
11 her. So I don't know if that was in reference to this
12 litigation or not and that was three months ago.

13 Q Prior to that, you hadn't heard about this
14 case; is that right?

15 A No.

16 MS. BRECKENRIDGE: You mean since she started
17 working here a year ago?

18 BY MR. LITOW:

19 Q Correct.

20 You didn't know about this case?

21 A No, I had no idea what AWP was.

22 Q Okay.

23 Directing your attention to the second
24 paragraph, the first bolded sentence, it says, "It's
25 extremely important that any documents pertaining to

1 the litigation are identified, separated from other
2 files and protected."

3 Do you see that?

4 A Yes.

5 Q Prior to receiving this e-mail, had you ever
6 received this specific instruction before related to
7 this case?

8 A Not that I'm aware of.

9 Q Just directing your attention to the next
10 sentence, "All destruction of records pertaining to
11 the lawsuit must be stopped until the legal action has
12 been resolved.

13 Do you see that?

14 A Yes.

15 Q Prior to receiving this e-mail, had you ever
16 received that specific instruction before in relation
17 to this case?

18 A Not that I'm aware of.

19 Q Directing your attention to the fourth
20 paragraph which states, "In most cases, these steps
21 have already been taken. We are issuing this e-mail
22 as a reminder."

23 Do you see that?

24 A Yes,

25 Q Did you ever take steps, prior to receiving

1 this e-mail, to identify and separate documents
2 relative to this action?

3 A As I stated earlier, I just pulled that one
4 AWP file for Miss Lawrence and gave it to her.

5 Q Did you ever take any steps, prior to
6 receiving this e-mail, to prevent the destruction of
7 documents relevant to this lawsuit?

8 MS. BRECKENRIDGE: Objection foundation.
9 You can answer.

10 THE WITNESS: I don't know of any documents
11 being destroyed.

12 BY MR. LITOW:

13 Q Did you take any affirmative action, for
14 example, make sure that e-mails mentioning AWP weren't
15 accidentally deleted or anything like that?

16 MS. BRECKENRIDGE: Objection, foundation.

17 THE WITNESS: I didn't have that many AWP
18 e-mails related but as far as I know, they should
19 still be there in an archive.

20 BY MR. LITOW:

21 Q Directing your attention now to the sixth
22 paragraph, the last sentence of that paragraph.

23 "Again, most you have seen this document
24 before as you have been involved in searching for and
25 producing documents responsive to the questions and